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| 09/814,154 | 03/21/2001 | Robert S. Marshall | A182 1010 | 2468 |

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| EXAMINER | |
|---|---|
| CHANG, JUNGWON | |
| ART UNIT | PAPER NUMBER |
| 2154 | |

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/814,154 | MARSHALL ET AL. | |
| | Examiner | Art Unit | |
| | Jungwon Chang | 2154 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *amendment dated 8/22/05*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

**FINAL ACTION**

1. This Office Action is response to amendment filed on 8/22/2005. Claims 20-57 have been canceled. Claims 1-19 are presented for examination.

2. The rejection of claims 1-9 under 35 U.S.C. 112, second paragraph, is hereby withdrawn in view of amendment filed on 8/22/2005.

3. Claim 1 is objected to because the following informalities:

Line 7, "intervals; and" should be "intervals;".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwoegler (US 6,590,529), in view of Densmore (US 6,591,305) and Shelton et al. (5,848,378), hereinafter Shelton.

6. As to claim 1, Schwoegler discloses the invention substantially as claimed,

including a method for the streaming of dynamic weather content simultaneously (broadcasting; col. 1, lines 21-28; col. 9, lines 51-58) to a plurality of end user clients in a wide area communication system, comprising the steps performed at a weather content server (50, fig. 3; col. 1, lines 26-28) of:

collecting weather content continuously from a plurality of weather stations (52, fig. 3; weather service provider; 802, figs. 15-16; weather data vendor 900, fig. 18; col. 6, lines 7-11) (fig. 4; 100, fig. 5; col. 6, lines 55-66; col. 7, lines 40-49; col. 9, lines 35-50; col. 14, lines 16-17);

receiving a request for dynamic weather content for a particular locality from each end user client (106, fig. 5; 402, fig. 8; 602, fig. 10; location specific weather forecasting system which allows users to receive weather forecasts specific to their location; col. 1, lines 12-28; col. 2, lines 5-7; transmitting to the electronic device, i.e., user's cellular telephone, upon request forecasted weather information specific to the location; col. 3, lines 6-13; col. 5, lines 32-46; col. 6, lines 1-6; col. 7, lines 5-7 and 45-47; col. 8, lines 59-60; national weather service forecast for the user's city or country location; col. 10, lines 6-18); and

selecting local weather content to be delivered to each end user client in response to each request (108, fig. 5; col. 3, lines 6-13; retrieving forecast products upon receiving a request; col. 7, lines 17-26, 47-48, 56-59; col. 8, lines 30-32), said local weather content including data collected from at least one of the plurality of weather stations in a locality associated with respective requests from each end user client (location specific weather forecasting system which allows users to receive weather forecasts specific to their

location; col. 1, lines 12-28; col. 2, lines 5-7; col. 3, lines 6-13; col. 5, lines 32-46; col. 6, lines 1-6; col. 7, lines 5-7 and 45-47; col. 8, lines 59-60; national weather service forecast for the user's city or country location; col. 10, lines 6-18); and

transmitting the selected weather content simultaneously (broadcast; col. 9, lines 51-58) to each end user client (110, fig. 5; transmitting to the electronic device upon request forecasted weather information specific to the location of the electronic device; col. 3, lines 6-13; col. 7, lines 48-49; col. 10, lines 6-11).

7. Schwoegler discloses a plurality of weather stations (52, fig. 3; weather service provider; 802, figs. 15-16; weather data vendors 900, fig. 18; col. 5, lines 32-46; National Weather Service, other vendors; col. 6, lines 7-11; NOAA-National Weather Service, Washington DC; col. 9, lines 35-39; col. 14, lines 16-27). Schwoegler does not specifically disclose the plurality of weather stations positioned in different localities. Shelton discloses plurality of weather stations positioned in different localities (weather center; fig. 1; number of weather stations are located at areas; col. 3, lines 21-32; col. 6, lines 25-37; col. 7, lines 36-59; col. 9, lines 1-19 and 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schwoegler and Shelton because Shelton's weather stations in different localities would provide more accurate and detailed weather forecast for a particular local area directly measured by various weather-sensing instruments suited for use in the weather stations (Shelton, col. 9, line 65 – col. 10, line 14).
Schwoegler discloses transmitting the selected weather content simultaneously to each

end user client (110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11). However, Schwoegler does not specifically disclose request at predetermined time intervals. Densmore discloses request at predetermined time intervals (client objects periodically request; abstract; 426, fig. 4; making repeated requests; col. 6, lines 35-49; col. 7, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schwoegler and Densmore because Densmore's periodic request would allow the client regularly to receive new and updated content from the server.

8. As to claim 2, Schwoegler discloses wherein the wide area communications system is the Internet (col. 1, lines 12-18; col. 11, lines 14-21).

9. As to claim 3, Schwoegler discloses collecting weather content continuously comprises the act of receiving dynamically changing weather content from a plurality of geographically distributed weather stations (52; fig. 3; col. 6, lines 7-11) (periodically updating the weather forecast data; col. 3, lines 23-27).

10. As to claim 4, Schwoegler discloses collection weather information comprises the act of receiving local weather alert content from at least one weather source (col. 9, lines 46-50; col. 10, lines 40-53).

11. As to claim 5, Schwoegler discloses dynamic weather content is updated in real-

time (real-time weather forecast information; col. 2, lines 15-20; col. 9, lines 29-34).

12. As to claim 6, Schwoegler discloses interactively registering each end user client (valid user; 604, fig. 10; subscriber; col. 7, lines 4-8; information stored in a client database; col. 9, lines 1-2), including completion of a user profile (606, fig. 10; col. 8, line 67 – col. 9, line 1; col. 10, line 62), before selected local weather content is delivered to each end user client (col. 8, line 60 – col. 9, line 7); providing each end user client with a configuration for controlling the display (12, fig. 1; 16, fig. 2) of the selected local weather content (displaying in various formats; col. 12, lines 4-15; col. 10, lines 18-29).

13. As to claim 7, Schwoegler discloses the act of placing a current temperature icon that is updated in real-time on a display associated with each end user client (figs. 1-2; col. 4, lines 57-67; figs. 11-14; col. 9, lines 20-28; col. 13, lines 30-36).

14. As to claim 8, Schwoegler discloses the step of receiving a request for dynamic weather content from an end user client includes processing a message formatted according to the HyperText Transfer Protocol (HTTP) (col. 11, lines 14-21).

15. As to claim 9, Schwoegler discloses wherein the selected weather content is streamed as dynamically-changing local data to each end user client display (figs. 1-2; col. 4, lines 57-67; figs. 11-14; col. 9, lines 20-28) and includes a current temperature

icon that is placed in a system tray on a display associated with the end user client (col. 13, lines 30-36; col. 4, lines 65-67).

16. As to claim 10, it is rejected for the same reasons set forth in claim 1 above. In addition, Schwoegler discloses at least one storage device (66, fig. 3; 916, 918, fig. 18) for storing a plurality of databases (col. 3, lines 23-27; col. 6, lines 12-20; col. 7, lines 40-45; col. 14, lines 16-25), including a weather content database (66, fig. 3; 916, 918, fig. 18); and

a weather content server (col. 1, lines 26-28; 50, fig. 3) connected to the storage device (66, fig. 3) and operating a computer program (col. 7, lines 50-59) including:

an information handling component (62, 64, fig. 3) for collecting dynamic weather content continuously from a plurality of weather stations (52, fig. 3; col. 6, lines 7-11) to distribute to the end user clients (col. 6, lines 7-20; col. 9, lines 35-50; col. 14, lines 16-17);

a message receiving component (60, 78, fig. 3) for receiving a request for dynamic weather content from each end user client (106, fig. 5; 402, fig. 8; 602, fig. 10; col. 7, lines 3-7 and 45-47; col. 8, lines 59-60);

a selection component (84, fig. 3) for selecting local weather content to be delivered to each end user client in response to each request (108, fig. 5; col. 7, lines 17-26 and 47-48; col. 8, lines 30-32); and

a transmission component (80, fig. 3) for transmitting the selected weather content to each end user client (110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11).

17. As to claim 11, it is rejected for the same reasons set forth in claim 6 above.

18. As to claim 12, it is rejected for the same reasons set forth in claim 8 above.

19. As to claim 13, it is rejected for the same reasons set forth in claim 9 above.

20. As to claim 14, it is rejected for the same reasons set forth in claims 1 and 10 above. In addition, Schwoegler discloses a computer readable medium containing a computer program product (col. 3, lines 40-49; col. 6, lines 15-28; col. 7, lines 50-59; col. 9, lines 35-50; col. 13, line 65 – col. 14, line 10).

21. As to claim 15, it is rejected for the same reasons set forth in claim 3 above.

22. As to claim 16, it is rejected for the same reasons set forth in claim 4 above.

23. As to claim 17, it is rejected for the same reasons set forth in claim 5 above.

24. As to claim 18, it is rejected for the same reasons set forth in claim 6 above.

25. As to claim 19, it is rejected for the same reasons set forth in claim 8 above.

***Conclusion***

26. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

27. In the remarks, the applicant argued in substance that:

(1) Applicant asserts on page 9 that Schwoegler on the other hand receives weather information collected from a weather data vendor, and not continuously collected from a plurality of weather stations.

In reply to argument (1): examiner finds that weather content server (50, fig. 3) of Schwoegler is able to update the forecast database as often as every seven minutes (continuously) by inputting the weather data from the weather stations (weather data vendors such as Doppler radar; col. 6, lines 7-11) (100, fig. 5; fig. 4; col. 6, lines 55-66; by using Doppler radar as the weather data input at step 100, the stored weather forecasts in step 104 can be updated as often as every 7 minutes; col. 7, lines 40-49). Therefore, Schwoegler clearly teaches this limitation of the claims.

(2) Moreover, while Schewoegler may receive the weather data from the National Weather Service or Doppler radar scans, it does not continuously collect weather content from a plurality of weather stations positioned in different localities.

In reply to argument (2): Applicant's argument with respect to "plurality of weather stations positioned in different localities" has been considered but is moot in view of the

new ground(s) of rejection. Please see the paragraph 7 above.

(3) Applicant assets on pages 9 and 10 that Claims 1 also requires selecting local weather content to be delivered to each end user in response to each request where the local weather content includes data from at least one of the plurality of weather stations in a locality associated with respect to requests from each end user client. In contrast, Schewoegler delivers forecast data for a particular area where the forecast was generated by a prediction processor 68. Claim 1 requires the local weather content to be from at least one of the plurality of weather stations, but in Schewoegler the data that is provided to an end user is actually a forecast based on information processed by the prediction processor 68.

In reply to argument (3): examiner finds that the steps of selecting local weather content to be delivered to each user client; and transmitting the selected weather content to the user client are performed by a weather content server as recited in preamble of claim 1 instead of performed by the weather stations. The prediction processor 68 of Schewoegler is one of components of the weather content server (50, fig. 3) that has functions including ingesting raw radar products (collecting raw weather data from the weather stations; 300, fig. 7), retrieving forecast products upon receiving a request for a specific location and reporting the results to the requester (col. 7, lines 53-59). Schwoegler clearly teaches that weather content server (50, fig. 3) selects local weather content to be delivered to each end user client in response to each request (108, fig. 5; retrieving forecast products upon receiving a request for a specific location;

col. 7, lines 17-26, 47-48, 56-59) where the local weather content includes data from at least one of the plurality of weather stations in a locality associated with respect to requests from each end user client (fig. 4; 100, fig. 5; col. 6, lines 55-66; col. 7, lines 40-49, 53-59; col. 9, lines 35-50; col. 14, lines 16-17). Therefore, Schwoegler clearly teaches this limitation of the claims.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
October 6, 2005